

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**IN RE: LUISA MELENDEZ
AKA LUISA MELENDEZ-GARCIA**

DEBTOR

VS.

REPUBLIC FINANCE, LLC

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CASE NO. 19-50974-G

CHAPTER 7

MOTION TO AVOID LIEN

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE JUDGE OF SAID COURT:

The motion of the above named Debtor respectfully represent:

I.

This case was commenced by the filing of a Voluntary Petition for relief under Chapter 7 of Title § 11 of the United States Code.

II.

The Debtors under Federal Bankruptcy Code 11 USC 522(f)(1) files this motion to avoid a nonpossessory, nonpurchase-money security interest in household and personal goods.

III.

On or about 11/21/2018, Debtor borrowed money or refinanced a loan with Republic Finance, LLC ("lienor"), in the total payment amount of approximately Nine Thousand Nine Hundred Thirty-six Dollars and 71/100 (\$9,936.71). As security for the

debt, lienor insisted upon, and Debtor granted to lienor a security interest in and to Debtor's personal property which consisted of household furnishings and household goods, which are held primarily for family and household use of Debtor or a dependent of the Debtor.

IV.

The money so borrowed from lienor does not represent any part of the purchase money of any of the articles covered in the security agreement, which Debtor executed, and all of the articles still remaining are in the possession of the Debtor and/or Debtor's family.

V.

The existence of the lienor's security interest in Debtor's household and personal goods impairs Federal Exemptions to which the Debtor would be entitled under Federal Bankruptcy Code 11 USC 522(d).

VI.

Pursuant to Federal Bankruptcy Code 522(f)(1) a lien shall be considered to impair an exemption to the extent that the sum of:

(a) the lien	=	\$ 9,936.71
(b) all other liens	=	\$ 0.00
(c) the amount of the exemption	=	<u>\$ 9,000.00</u>
that the Debtor can claim if there were no liens of the property		
TOTAL		\$ 18,936.71

exceeds the total value of the following item:

(1) TV	\$ 480.00
(4) Children Computer Tablets	\$ 20.00
(1) Computer and Printer	\$ 50.00
(2) Watches (one Debtor no longer has)	\$ 25.00
Electronic entertainment equipment	\$ 500.00
TOTAL	\$ 1,075.00

The sum does exceed the value and as such impairs the exemption pursuant to § 11 U.S.C. 522(f).

WHEREFORE, Debtor moves that an order be entered against lienor for the cancellation and avoidance of the security interest in household and personal goods of Debtor and for such other and further relief as is just.

Dated: 5/6/19

Respectfully submitted



Cynthia Zuniga Puig
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San Antonio, TX 78212
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(210) 451-1432 – Facsimile
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CERTIFICATE OF SERVICE

I, Cynthia Zuniga Puig, hereby certify that a true and correct copy of the above and foregoing attached hereto was mailed by United States first-class pre-paid postage, or via ECF in compliance with Local Rule 9013(g), to:

DEBTOR (S)

Venesa Matthews
218 Carnahan Street
San Antonio, TX 78209

CREDITOR

Republic Finance, LLC
2000 S.E. Loop 410, Ste. 105
San Antonio, TX 78220

US TRUSTEE

Nancy Ratchford
P.O. Box 1539
San Antonio, TX 78295

CHAPTER 7 TRUSTEE

John Patrick Lowe
2402 East Main Street
Uvalde, TX 78801

on this 6th day of May, 2019.



Cynthia Zuniga Puig

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**ORDER ON
MOTION TO AVOID LIEN**

Came on to be heard the Motion to Avoid Lien of Republic Finance, LLC on property set apart to the Debtor as exempt in this case having come on for hearing before the Court, and the Court having considered the Motion and the record herein, being advised that;

I.

Creditor has been afforded reasonable notice and an opportunity for hearing on this Motion.

II.

Creditor holds a non-possessory, nonpurchase-money security interest that impairs the exemption of the Debtor in property of a kind described in Federal Bankruptcy Code 11 USC 522(f).

It is hereby **ORDERED** that;

Unless this case is dismissed, the lien of the Creditor shall not survive this bankruptcy proceeding and shall not affix to or be enforceable against the interest of the Debtor in household goods and furnishings, specifically (1) TV, (4) Children Computer Tablets, (1) Computer and Printer, (2) Watches (one Debtor no longer has), and Electronic entertainment equipment.

The aforesaid lien be, and the same hereby is, avoided.

IT IS ORDERED that copies of this Order be served by mail upon the Creditor at:

Republic Finance, LLC
2000 S.E. Loop 410, Ste. 105
San Antonio, TX 78220

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Prepared by:

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